

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DAVID D. DEBAUCHE,

Plaintiff,

v.

WI DEPT. OF CORRECTIONS, et al.,

Defendants.

ORDER

Case No. 17-cv-454-wmc

DAVID D. DEBAUCHE,

Plaintiff,

v.

WI DEPT. OF CORRECTIONS, et al.,

Defendants.

ORDER

Case No. 17-cv-524-wmc

In case no. 17-cv-424, I entered an order on June 27, 2017, assessing plaintiff David D. DeBauche, an initial partial payment of \$1.57 due by July 19, 2017. Now plaintiff has submitted a declaration, along with a copy of his inmate trust account statement from June 17 through June 23, 2017, in which plaintiff states that he currently does not have funds available to submit the \$1.57 initial partial. Dkt. 13. After reviewing the most recent trust account statement plaintiff provided, it appears that plaintiff presently has no means with which to pay the filing fee or to make an initial partial payment. Under these circumstances, I will waive the \$1.57 initial partial filing fee assessed in this case. However, even if this court ultimately determines that plaintiff's complaint cannot go forward, plaintiff is advised that the full \$350 filing fee for indigent litigants remains plaintiff's obligation. *See* 28 U.S.C. § 1915A.

On July 6, 2017, plaintiff filed case no. 17-cv-524, but did not paid the \$400 filing fee nor submitted a motion for leave to proceed without prepayment of the filing fee in this case.

However, because plaintiff requests leave to proceed without prepayment of the filing fee and filed a trust fund account statement in case no. 17-cv-454, I will construe plaintiff's complaint in case 17-cv-524 to include a request to proceed without prepayment of the filing fee by adopting the motion for leave to proceed without prepayment of the filing fee (dkt. 4), six-month trust fund account statement (dkt. 11) and declaration (dkt. 13) filed in case no. 17-cv-454. I will grant plaintiff's request for leave to proceed without prepaying the filing fee in 17-cv-524, but will not assess an initial partial filing fee in this case. As with case 17-cv-454, even if this court ultimately determines that plaintiff's complaint cannot go forward in 17-cv-524, plaintiff is advised that the full \$350 filing fee for this case remains plaintiff's obligation. *See* 28 U.S.C. § 1915A.

As previously mentioned in the June 27 order entered in 14-cv-454, because plaintiff is a prisoner, plaintiff is subject to the Prison Litigation Reform Act, which requires the court to screen the complaint in each of these cases to determine whether any portion is frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief from a defendant who is immune from such relief.

ORDER

IT IS ORDERED that,

1. Plaintiff David D. DeBauche's motion to waive the initial partial filing fee in case nos. 17-cv-454 is GRANTED.
2. Plaintiff's motion for leave to proceed without prepayment of the filing fee in case no. 17-cv-524 is GRANTED.

3. No further action will be taken in these cases until the court has screened the complaint in each case as required by the Prisoner Litigation Reform Act, 28 U.S.C. § 1915(e)(2). Once the screening process is complete, a separate order will issue.

Entered this 14th day of July, 2017.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge